

House Bill 4044

Sponsored by Representatives KENNEMER, HUNT; Representatives GILLIAM, HARKER, KOTEK, WEIDNER
(Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits gillnet fishing in lower Columbia River except in off-channel fishery enhancement areas specified by rule of State Fish and Wildlife Commission. Specifies off-channel fishery enhancement areas where holder of State of Washington fishing license and vessel permit may fish.

Becomes operative January 1, 2013.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to gillnet fishing; creating new provisions; amending ORS 508.775; repealing ORS 508.460;
3 and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 508.775 is amended to read:

6 508.775. (1)(a) Notwithstanding any other provision of the commercial fishing laws, it is unlawful
7 for an individual to operate a vessel in the Columbia River gillnet salmon fishery without first ob-
8 taining a vessel permit issued pursuant to ORS 508.775 to 508.796. [*However, an individual who holds*
9 *valid commercial fishing licenses and vessel permits required by and issued pursuant to the laws of the*
10 *State of Washington for commercial salmon fishing in the Columbia River may land salmon in this*
11 *state that were taken in the Columbia River gillnet salmon fishery without the permit otherwise re-*
12 *quired by this subsection.*]

13 **(b)(A) Gillnet fishing under paragraph (a) of this subsection is prohibited in the lower**
14 **Columbia River, except in off-channel fishery enhancement areas specified by rule of the**
15 **State Fish and Wildlife Commission pursuant to the provisions of this paragraph.**

16 **(B) The commission, by rule, shall specify off-channel fishery enhancement areas at:**

17 **(i) Youngs Bay;**

18 **(ii) Tongue Point, South Channel; and**

19 **(iii) Blind Slough-Knappa Slough.**

20 **(C) The commission, by rule, may establish additional off-channel fishery enhancement**
21 **areas.**

22 **(2)(a) An individual who holds a valid commercial fishing license and vessel permit re-**
23 **quired by and issued pursuant to the laws of the State of Washington for commercial salmon**
24 **fishing in the Columbia River may land salmon in this state that were taken without the**
25 **vessel permit otherwise required by subsection (1) of this section in the Columbia River**
26 **gillnet salmon fishery:**

27 **(A) In the middle and upper Columbia River.**

28 **(B) In off-channel fishery enhancement areas established under subsection (1) of this**
29 **section over which the State of Washington has concurrent jurisdiction as described in ORS**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 507.020.

2 (b) The commission, by rule, may allow an individual who holds a valid commercial fish-
 3 ing license and vessel permit required by and issued pursuant to the laws of the State of
 4 Washington for commercial salmon fishing in the Columbia River to land salmon in this state
 5 that were taken without the vessel permit otherwise required by subsection (1) of this sec-
 6 tion in the Columbia River gillnet salmon fishery in off-channel fishery enhancement areas
 7 established under subsection (1) of this section over which the State of Washington does not
 8 have concurrent jurisdiction as described in ORS 507.020.

9 (3)(a) The commission shall request that the State of Washington furnish, without cost
 10 to the commission, the names of gillnet licensees and the number of gillnet licenses issued
 11 pursuant to the laws of the State of Washington.

12 (b) If the State of Washington provides the commission with the information specified in
 13 paragraph (a) of this subsection, the commission may furnish, at no cost to the State of
 14 Washington, the names of gillnet licensees and the number of gillnet licenses issued pursu-
 15 ant to the laws of this state.

16 [(2)] (4) Notwithstanding any other provision of the commercial fishing laws, it is unlawful for
 17 a wholesaler, canner or buyer to buy or receive salmon taken in the Columbia River gillnet fishery
 18 from an individual who does not have the permit required by [subsection (1) of] this section.

19 [(3)] (5) The permit required by [subsection (1) of] this section is in addition to and not in lieu
 20 of the boat license required by ORS 508.260.

21 (6) As used in this section, “off-channel fishery enhancement area” means a terminal
 22 fishing area in the lower Columbia River in waters outside the primary fish migration chan-
 23 nel where use of gillnets will result in minimal interception of salmon that are not hatchery
 24 produced for release in the terminal fishing area.

25 SECTION 2. ORS 508.460 is repealed.

26 SECTION 3. Except as provided in section 4 of this 2012 Act, the amendments to ORS
 27 508.775 by section 1 of this 2012 Act and the repeal of ORS 508.460 by section 2 of this 2012
 28 Act become operative on January 1, 2013.

29 SECTION 4. The State Fish and Wildlife Commission may adopt rules before the opera-
 30 tive date specified in section 3 of this 2012 Act or take any action before that date that is
 31 necessary to implement the amendments to ORS 508.775 by section 1 of this 2012 Act and the
 32 repeal of ORS 508.460 by section 2 of this 2012 Act on and after the operative date specified
 33 in section 3 of this 2012 Act.

34 SECTION 5. (1) The amendments to ORS 508.775 by section 1 of this 2012 Act and the
 35 repeal of ORS 508.460 by section 2 of this 2012 Act apply to vessel permits issued or renewed
 36 pursuant to ORS 508.775 to 508.796 for the Columbia River gillnet salmon fishery before, on
 37 or after the operative date specified in section 3 of this 2012 Act.

38 (2) The amendments to ORS 508.775 by section 1 of this 2012 Act and the repeal of ORS
 39 508.460 by section 2 of this 2012 do not affect:

40 (a) Any provision of the compact described in ORS 507.010 between the States of Oregon
 41 and Washington related to the Columbia River.

42 (b) Any fishing management agreements between the United States Government, various
 43 Indian tribes and states, including those established pursuant to United States v. Oregon,
 44 United States District Court Case No. 68-513 MA.

45 (c) Any tribal fishing rights, or the right to use any fishing gear under tribal fishing

1 **rights, established by treaties of the United States and various Indian tribes.**

2 **SECTION 6. This 2012 Act being necessary for the immediate preservation of the public**
3 **peace, health and safety, an emergency is declared to exist, and this 2012 Act takes effect**
4 **on its passage.**

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